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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,557	01/25/2000	Clifton E. Scott	QCPA990422	7293

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Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER

MILORD, MARCEAU

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 09/10/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/490,557

Applicant(s)

SCOTT, CLIFTON E.

Examiner

Marceau Milord

Art Unit

2682

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 August 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 26-30

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Charles Apiah
CHARLES APIAH
PRIMARY EXAMINER

9/5/03

Art Unit: 2682

Coptinuation Sheet (PTOL-303) Application No.
0091490,557

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's representative argues that "there is no indication that the mobile unit accepts an incoming call. However, Kennedy discloses a mobile unit 12 that includes a user interface 22 which includes a display 34 and a variety of buttons 36. For instance, an operator of mobile unit 12 may activate a button 36 to perform any contemplated feature or function of user interface 22 and/or mobile unit 12, such as, to request a desired service from a particular service center 16, or to monitor and control sensors 26, and/or computing devices 30 (col. 4, lines 122). In addition, the user interface 22 and platform 24 also facilitate remote operations, such as placing and receiving traditional cellular calls and/or enhanced services calls; the mobile unit 12 can generate a request for services that is transmitted to NSC 14 in a voice call, and routed to an appropriate service center 16 to establish a communication session (col. 9, lines 17-65). Since the mobile unit 12 includes a user interface 22 which places and receives traditional cellular calls and for enhanced services call (see col. 9, lines 49- 57). It is considered that the mobile unit accepts the call, and displays the source of the call. In response to Applicant's argument that the references fail to show certain features of Applicant's invention, it is noted that the features upon which Applicant relies (i.e notify new messages stored in his or voice mail box by the transmission of a notification message ...) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. Applicant's representative also argues that Brilla does not teach the steps of terminating a prerecorded message and answering a call. However, Brilla shows a digital wireless telephone system 120 that enable a user of a digital telephone 122 to receive wireless commands to activate a message waiting indicator on the wireless telephone 122 indicating storage of a voicemail message at the voicemail system 110 (col. 7, line 50- col. 8, line 17). Furthermore, the wireless telephone 11, upon receiving the command from the transceiver 138, displays the message indicating a stored voicemail message, and may beep, ring, or vibrate to alert the mobile subscriber of the incoming command (col. 11, lines 1-44). In response to Applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that the references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. In re Nomiya, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. In re McLaughlin, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than their specific disclosure. In re Bozec, 163 USPQ 545 (CCPA) 1969. In this case, it would have been obvious for a person having ordinary skill in the pertinent art, at the time the invention was made, to apply the technique of Brilla to the communication system of Kennedy in order to allow a user the flexibility to receive conveniently an incoming wireless telephone call as taught by the combination of Brilla and Kennedy.

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